

## Department of the Interior Departmental Manual

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**Effective Date:** 11/5/02

**Series:** Property Management

**Part 410:** Personal Property Management

**Chapter 2:** Limited Personal Use of Government Office Equipment and Library Collections

**Originating Office:** Office of Acquisition and Property Management

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### 410 DM 2

**2.1 Purpose.** This chapter establishes the policy for limited personal use of Government office equipment and library collections.

**2.2 Authorities.** This policy neither supersedes existing statutes or regulations governing the use of specific categories of Government property, nor does it apply to the use of Government motor vehicles or aircraft (31 U.S.C. 1349(b)), boats, or other means of transportation. Related authorities are:

- A. 5 CFR 2635 - Standards of Ethical Conduct for Employees of the Executive Branch
- B. Executive Order 12674, Part 1 - Implementing Standards of Ethical Conduct for Employees of the Executive Branch
- C. 5 CFR 301 - Departmental Regulations - authority to establish regulations for management of the Department
- D. 41 CFR 101-35.201 - Telecommunications Management Policy
- E. IRM Bulletin 1997-001 - Internet Acceptable Use Policy
- F. Executive Order 13011, Federal Information Technology, Section 39(a)(1) - Chief Information Officer Council Authority to provide recommendations to agency heads relating to the management and use of information technology resources.

### 2.3 Definitions.

- A. Broadcast Transmission is a message or e-mail note sent at once from a single user to many users and/or sites.
- B. Commercial gain activity is defined as any activity involving or relating to buying, selling, advertising, soliciting, leasing, or exchanging products or services for an employee's

personal financial profit or gain. Commercial gain activity includes, but is not limited to, day trading of stocks and bonds, buying or selling real estate for commercial purposes, operating a business, or soliciting business opportunities.

C. Limited personal use means activity that is conducted for purposes other than accomplishing official or otherwise authorized activities, does not adversely affect the employee's job performance, is of negligible cost, and is limited to those situations where the Government is already providing equipment or services. Limited personal use activities are further defined in 2.5 below.

D. Negligible is an amount sufficiently small that the quantity or cost may be disregarded.

E. Non-duty time is time when the employee is not expected to be performing official business, such as before or after a workday (subject to local office hours), lunch periods, authorized breaks, weekends or holidays (if the employee's duty station is normally available for employee use at such times).

F. Information Technology means any equipment or interconnected system or subsystem of equipment that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information.

**2.4 Policy.** Employees may use Government office equipment and library collections only for official business or as otherwise authorized by the Government. This policy authorizes limited personal use of certain Government property as long as it occurs on non-duty time, does not interfere with official business, is not a commercial gain activity, is not otherwise prohibited, the equipment is not needed for official purposes, and the expense to the Government is negligible.

A. In using Government property, employees should be fully aware of their responsibility to protect and conserve such property, including the responsibility of every computer user to know and adhere to Departmental computer security guidelines, and to use official time in an honest effort to perform official duties. See 5 CFR 2635.101(b)(9), 2635.704(a) and 2635.705(a).

B. Managers and supervisors may place additional restrictions on their employees' use of Government office equipment and library collections for personal purposes only in instances of abuse of this policy or in order to meet management needs and mission objectives.

C. Prior to adopting and/or implementing this policy, local management must fulfill its labor-management obligations with their employees' exclusive bargaining representative(s) as appropriate, paying particular attention to any applicable collective bargaining agreement containing language on the use of office equipment and library collections. Such language prevails over this policy until such time as the contract provides that this policy applies or other language concerning these issues is agreed to by the parties.

D. E-mail messages (and other electronic information) are Government resources that may be covered by the Federal Records Act, the Freedom of Information Act, and the Privacy Act. Further, employees have no expectation of privacy in these communications resources (e.g., e-mail, faxes, Internet, cell phones, or computers, whether or not these resources are authorized for personal uses or are covered by this policy). By use of Government communications resources for personal purposes, employee consent to monitoring and recording with or without cause is implied.

**2.5 Allowable Uses.** The following limited personal use of Government office equipment and library collections is hereby authorized for all employees. Supervisors should be consulted prior to any personal use of Government office equipment and library collections if there is any question whether such use is appropriate under the terms of this policy.

A. Office Equipment: Employees on non-duty time are allowed limited use of office equipment for personal uses that involve only negligible expense to the Government (such as electricity, sheets of paper, ink, and ordinary wear and tear) and do not interfere with official business. For purposes of this policy, office equipment includes copy machines, computers, printers, and fax machines. Copy machines, fax machines, and printers, like all Government equipment, are for official business; however, personal use of less than ten pages per week is permissible on occasion.

B. E-mail: Employees on non-duty time are allowed to use Government e-mail systems and computers for limited personal use with the following restrictions:

(1) The cost to the Government for the personal use of e-mail must be negligible. Personal use of e-mail must not overly burden, delay or disrupt service to any Government system or equipment; e.g., the transmission of large attachments is not permitted. Employees must follow guidance provided by their Bureau or Office Systems Administrator.

(2) Employees may use e-mail for personal point-to-point electronic transmissions not to exceed 5 addressees per e-mail. This applies to employee-generated personal messages and those in response to personal messages received by the employee. Personal broadcast transmissions, mass mailings or bulletin boards are prohibited unless specifically authorized by a Bureau or Office Systems Administrator.

(3) Employees using e-mail for personal purposes must not represent themselves as acting in an official capacity.

(4) Employees are reminded to use caution when giving out their Government e-mail address for personal purposes, particularly when “registering” at various Internet sites. These types of registration may result in an employee receiving unwanted e-mail, which in turn could strain the DOI network resources with increased e-mail traffic.

C. Library collections: Employees on non-duty time are allowed to use DOI library collections, such as books, microfiche, newspapers and other materials, for personal purposes.

## 2.6 Prohibited Uses of Government Office Equipment.

A. Employees are strictly prohibited from using Government office equipment, at any time, for activities that are illegal (e.g., gambling (5 CFR 735.201)), inappropriate, or offensive to co-workers or the public, such as the use of sexually explicit or discriminatory material or communication that ridicules others on the basis of race, creed, religion, color, gender, disability, age, national origin or sexual orientation.

B. Employees are prohibited from using Government office equipment at any time for outside fund-raising activity, soliciting money for gifts, endorsing any product or service, participating in any improper lobbying activity, or engaging in political activities. Note: Different rules for lobbying and political activity apply to employees appointed by the President and confirmed by the Senate. Those employees should consult the DOI Ethics website (<http://www.doi.gov/ethics/index.html>) for guidance.

C. Employees are prohibited from using Government office equipment at any time to make purchases for personal commercial gain activity. See definition of commercial gain activity in 2.3B.

D. Employees are not authorized to remove Government property from the office for personal use.

E. Employees are prohibited from using Government-provided access to the Internet to present their personal views in a way that would lead the public to interpret it as an official Government position. This includes posting to external news groups, bulletin boards, or other public forums. An acceptable disclaimer when posting messages in any forum, including e-mail, is "The contents of this message are mine personally and do not reflect any position of the U.S. Government."

F. Employees are prohibited at any time from using the Internet as a radio or music player. Such live stream use of the Internet could strain the DOI network and significantly slow communications, inhibiting DOI employees from conducting official business.

G. Employees are prohibited at any time from using "push" technology on the Internet or other continuous data streams, unless they are directly associated with the employee's official duties and responsibilities. Push technology from the Internet means daily, hourly or continuous updates via the Internet; e.g., news, stock quotes, weather, and similar information. Continuous data streams could degrade the performance of the entire network.

H. Employees may not use official stationery, envelopes, or postage for personal purposes under any circumstances.

I. Employees are prohibited from installing personally-owned software (including tax preparation programs, computer games) on Government machines. Employees may not, for

personal purposes, download, copy, or store any files or programs on Government servers, hard drives, or share drives. Supervisors may approve the storage of small files such as, screensavers, backgrounds, etc., by their employees.

J. Employees are prohibited from using Government systems to gain unauthorized access to other systems.

**2.7 Government Equipment Prohibited From Personal Use:** Government equipment not covered by this Limited Personal Use Policy includes, but is not limited to:

A. Color copy machines; color printers when used for color printing; scientific equipment; heavy equipment; photographic equipment; computer projector equipment (i.e., LCD projectors); slide projectors; overhead projectors; TVs; VCRs; specialized testing, measuring or engineering equipment; machine shop tools and equipment; firearms; map reproduction machines; lawn mowers; chainsaws; and any other similar equipment.

B. **Government Charge Cards** are not to be used for personal use under any circumstances. The DOI Integrated Charge Card Guidelines are provided at <http://www.doi.gov/pam/>. Additional information on charge card uses specific to each bureau is also available from each bureau Agency/Organization Program Coordinator.

C. Telephone use is covered by 377 DM.

**2.8 Penalties.** Disciplinary action for non-compliance with the policy in this chapter will be administered in accordance with Departmental personnel policies and the DOI's Personnel Handbook on Charges and Penalty Selection for Disciplinary and Adverse Actions. While supervisors generally should attempt to select the least severe penalty they believe necessary to correct the misconduct and to discourage repetition, supervisors retain full authority to set penalties, as they deem appropriate, based on the particular circumstances and specifications of the offense. Corrective action covers a full range of remedies, which may include oral and/or written warnings or reprimands, suspension without pay, or removal from Federal service. In the case of a serious offense where a formal action may be taken, supervisors should consult with their Human Resources office immediately.

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